

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**FREDERICK JOINER and ELEANOR
JOINER,**

*

*

Plaintiffs,

*

CV 08-429

v.

*

BAYROCK MORTGAGE CORP., et al.

*

Defendants.

APPLICATION FOR AWARD OF COSTS AND ATTORNEYS FEES

COME NOW, Plaintiffs Frederick Joiner and Eleanor Joiner and, pursuant to this Court's order dated April 7, 2009, respectfully submit this application for an award of costs and attorneys fees incurred in this case. In support for this request, Plaintiffs submit the following:

1. Plaintiffs have asserted claims against the Defendants under the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. §2601 *et seq.*, and the Truth-in-Lending Act ("TILA"), 15 U.S.C. § 1601 *et seq.* Both statutes provide for the recovery of costs and attorneys fees, in addition to the other damages allowed. 12 U.S.C. § 2607(d)(5) and 15 U.S.C. § 1640(a)(3). This Court has determined that Plaintiffs are entitled to an award of fees and costs pursuant to those provisions. (See Doc. 37).

2. Attorney Earl P. Underwood, Jr. has incurred 36.5 hours of time in connection with this case. Attorney Kenneth J. Riemer has incurred 11.5 hours of time. A reasonable hourly rate, consistent with the prevailing hourly rates and the specialized knowledge required for this type of case, is \$300. This hourly rate is consistent with the regular hourly rates charged by Plaintiffs'

counsel in consumer cases.

3. Costs incurred in connection with the prosecution of this case total \$437.21 and include the following: \$350.00 filing fee and \$87.21 in postage.

WHEREFORE, Plaintiffs respectfully request that this Court issue an Order awarding them attorney fees in the total amount of \$14,400 and costs in the total amount of \$437.21.

s/Kenneth J. Riemer
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 20th day of April 2009, I electronically filed the foregoing with the Clerk of the Court using the CMECF system, which will send electronic notification to all counsel of record.

s/ Kenneth J. Riemer
KENNETH J. RIEMER